



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 14 2014

Mr. Joseph Ditty
Pretreatment Coordinator
Municipal Sanitary Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-9813

Re: NPDES No. PA0027111
Public Notice Number PA-386-SGC

Dear Mr. Ditty:

Enclosed is a copy of the Public Notice detailing the Environmental Protection Agency's (EPA) intention to approve modifications to your pretreatment program, including modifications to the local limits, in accordance with Section 403.11 of the General Pretreatment Regulations. A listing of the specific documents to be included in the public notice is also enclosed. If you disagree with any of the listings, or if any documents have been omitted, please let me know as soon as possible. After completion of the 30-day comment period, you will be notified of EPA's decision to approve or disapprove these modifications.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me at 215-814-5792, or by e-mail at copeland.stephen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Copeland".

Stephen G. Copeland
NPDES Permits Branch (3WP41)
Water Protection Division

Enclosures

cc: Sam Harper, PADEP, Southwest Region (w/enclosures)
Ron Furlan, PADEP Central Office (w/enclosures)



**Documents Included in Pretreatment Program Modification Approval
Public Notice Number PA-386-SGC**

Local Limits

- **October 4, 2012 – Request for approval of revised local limits submitted by Linda French, Hatch Mott MacDonald, consultant for New Kensington**
- **December 12, 2012 – Letter from Stephen Copeland, U.S. EPA-Region 3, reviewing the initial submittal**
- **January 14, 2013 – Re-submittal of local limits by Linda French, Hatch Mott MacDonald, consultant for New Kensington, making the recommended changes**
- **January 31, 2013 – EPA acceptance of local limits**

Legal Authority

- **August 16, 1985 - Original Program Approval**
- **August 20, 2008 – Streamlining Revisions approved**
- **April 15, 2013 – Municipal Authority adoption of revised local limits**
- **December 9, 2013 – Submittal of Solicitor's Statement indicating that the Authority is covered by the PA Municipal Authorities Act**





PUBLIC NOTICE

Environmental Protection Agency Region III
Office of NPDES Permits and Enforcement (3WP41)
1650 Arch Street
Philadelphia, PA 19103-2029

Public Notice Number: PA-386-SGC
Public Notice Date: January 15, 2014

The following Publicly Owned Treatment Works (POTW) has requested approval of modifications to its approved pretreatment program:

Name and Address of Applicant (Permittee)

The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-9813

NPDES Permit Number: PA0027111
Receiving Stream: Pucketa Creek

Procedures for Final Determination

The Environmental Protection Agency, Region III, is issuing the following notice of proposed action under the Clean Water Act, as amended and implementing regulations.

The permittee has requested approval of modifications to a POTW pretreatment program in accordance with the requirements of 40 CFR 403.18 and the request is being public noticed by the EPA in accordance with 40 CFR 403.11. The modifications to the permittee's pretreatment program include revisions to the local limits.

The program modifications submission is available for inspection and copying at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Further information may be obtained by writing to the above address or by calling Stephen Copeland at 215-814-5792.

Persons wishing to submit comments or object to the EPA approval of the above POTW pretreatment program modifications, or to request a public hearing pursuant to the Federal Water Pollution Control Act, must submit their comments or request in writing within thirty (30) days of the date of this notice to the above EPA address, attention: Mr. Stephen Copeland. If no comments to this notice are received, the proposed pretreatment program modifications referenced above will be approved without changes and without further public notice. In such event, this notice shall constitute the "notice of approval or disapproval" required by 403.11(e) and no additional notice shall be provided. Anyone who wishes to be given a notice of approval or disapproval of the modifications should send a request for such notice to the above address.



PUBLIC NOTICE

Environmental Protection Agency Region III
Office of NPDES Permits and Enforcement (3WP41)
1650 Arch Street
Philadelphia, PA 19103-2029

Public Notice Number: PA-386-SGC
Public Notice Date:

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PROOF OF PUBLICATION NOTICE IN THE VALLEY NEWS DISPATCH

Under the Act of July 9, 1976, P.L. 877, No. 160

State of Pennsylvania } ss:
County of Allegheny }

DaLynn Sciotto of Trib Total Media, Inc., a corporation of the County and state aforesaid, being duly sworn, deposes and says that the Valley News Dispatch, a daily newspaper published at 210 4th Avenue, Tarentum, County and State aforesaid, which was established in the year 1904, since which date said newspaper has been regularly issued in the County and that a copy of the printed notice or publication is attached here to exactly as the same was published in the regular editions and issues of the said newspaper on the following dates,

JANUARY 15

Affiant further deposes that she is an agent duly authorized by Trib Total Media, Inc., a corporation publisher of the Valley News Dispatch, a daily newspaper, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter aforesaid notice of publication, and that all allegation in the foregoing statement as to time, place and character of publication are true.

Copy of Notice Publication

PUBLIC NOTICE

Environmental Protection Agency Region III
Office of NPDES Permits and Enforcement (3WP41)
650 Arch Street
Philadelphia, PA 19103-2029
Public Notice Number: PA-386-SGC
Public Notice Date:
The following Publicly Owned Treatment Works (POTW) has requested approval of modifications to its approved pretreatment program:

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The Municipal Authority of the City of New Kensington
20 Logans Ferry Road
New Kensington, PA 15068-9813
NPDES Permit Number: PA0027111
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Procedures for Final Determination

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The permittee has requested approval of modifications to a POTW pretreatment program in accordance with the requirements of 40 CFR 403.18 and the request is being public noticed by the EPA in accordance with 40 CFR 403.11. The modifications to the permittee's pretreatment program include revisions to the local limits.

The program modifications submission is available for inspection and copying at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Further information may be obtained by writing to the above address or by calling Stephen Copeland at 215-814-5792.

Persons wishing to submit comments or object to the EPA approval of the above POTW pretreatment program modifications, or to request a public hearing pursuant to the Federal Water Pollution Control Act, must submit their comments or request in writing within thirty (30) days of the date of this notice to the above EPA address, attention: Mr. Stephen Copeland. If no comments to this notice are received, the proposed pretreatment program modifications referenced above will be approved without changes and without further public notice. In such event, this notice shall constitute the "notice of approval or disapproval" required by 33.11(e) and no additional notice shall be provided. Anyone who wishes to be given a notice of approval or disapproval of the modifications should send a request for such notice to the above address.
750381, 1/15/14)

460 Rodi Road
Pittsburgh, PA 15235
Established June 27, 1904
Incorporated March 3, 1905
Phone 412-349-1438

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Donna M. Bachetti, Notary Public

Penn Hills Twp., Allegheny County

My Commission Expires Jan. 9, 2015

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Trib Total Media, Inc.

Sworn to and subscribed before me this 15th
day of January, 20 14

Donna M. Bachetti

Notary Public

My Commission Expires: January 9, 2015

A STATEMENT OF ADVERTISING

ENVIRONMENTAL PROTECTION AGENCY REGION III

ATTN: STEPHEN COPELAND

NPDES PERMITS BRANCH(3WP41), 1650 ARCH ST

PHILADELPHIA, PA 19103

Trib Total Media, Inc.

For publishing the notice or advertisement attached hereto on the above stated

dates _____ \$441.44

Probating Same and Administrative Fee _____ \$

Total _____ \$441.44

RECEIPT FOR ADVERTISING COSTS

of the Valley News Dispatch, a daily newspaper, hereby
and publication costs.

Trib Total Media, Inc., a Corporation, Publishers of the
Valley News Dispatch, a daily newspaper

By: DaLynn Sciotto



100

100

100

100

Ottinger, Elizabeth

From: Copeland, Stephen
Sent: Thursday, December 26, 2013 3:33 PM
To: French, Linda
Cc: Ottinger, Elizabeth
Subject: Acceptance of the Solicitor's Statement for the Municipal Sanitary Authority of the City of New Kensington (MSANK)

Linda – I have reviewed the Solicitor's Statement which was enclosed with your December 16, 2013 letter covering the comments made on the 2012 Annual Report. This Statement is acceptable as proof of coverage of MSANK being a proper Municipal Authority under the Pennsylvania Municipal Authorities Act. As such, any substantial modification to the pretreatment program, that is reviewed and accepted by the U. S.EPA, and is then adopted by MSANK, shall be eligible for approval by EPA, following a 30-day Public Notice period.

Since the local limits were accepted by EPA and adopted by MSANK on April 15, 2013, EPA will prepare a Public Notice of Intent to approve these limits.

If you have any questions, contact me at the telephone number or e-mail listed below. Have a safe and happy New Year.

Stephen G. Copeland
NPDES Permits Branch (3WP41)
Water Protection Division
1650 Arch Street
Philadelphia, PA 19103-2029

(215) 814-5792
e-mail:- copeland.stephen@epa.gov



**Hatch Mott
MacDonald**

Hatch Mott MacDonald

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031
T 412.497.2900 www.hatchmott.com

RECEIVED
EPA REGION III

DEC 19 2013

NPDES PERMITS BRANCH
(CWP41)

December 16, 2013

Ms. Liz Ottinger
Office of Municipal Assistance (3WP24)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Municipal Sanitary Authority of the City of New Kensington
Pretreatment Annual Report for Reporting Year 2012
HMM Project 319221

Dear Ms. Ottinger:

This submission responds to the letter from Mr. Stephen Copeland of your office to Mr. Joseph Ditty of the Municipal Sanitary Authority of New Kensington (MSANK) dated November 21, 2013. This letter provided review comments on the Pretreatment Annual Report for Reporting Year 2012. Responses to those comments follow.

Measure No. 1 – Influent Results

MSANK will inform the laboratory that the Selenium detection limit must be lowered to be below the influent goal.

Measure No. 3 – Sludge Results

It is acknowledged that the nickel and zinc sludge results were above their respective goals. With respect to enforcement, Castle Co-Packers has plans to relocate their facility outside the MSANK service area in 2014 and will no longer be regulated under the MSANK pretreatment program. MSANK has been holding meetings with Keystone Rustproofing, Inc. in order to enhance their enforcement and require Keystone Rustproofing, Inc. to install additional pretreatment capabilities to resolve their compliance issues.

Measure No. 16 – Local Limits Re-evaluation

Please find enclosed a statement from the MSANK solicitor which authorizes automatic adoption of substantial pretreatment program changes in the entire service area due to coverage under the PA Municipal Authorities Act. Accordingly, it is requested that the U.S. Environmental Protection Agency provide final approval of the revised local limits adopted by MSANK on April 15, 2013.



Hatch Mott
MacDonald

Thank you for your attention to this matter. If you have any questions regarding this submission, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T 412.497.2912 F 412.497.2901
Linda.French@hatchmott.com

Enclosure

LF/rw

cc: Joseph Ditty (MSANK)
Daniel H. Rowe, Jr. (MSANK)
Stephen Polen, P.E. (HMM)
Aaron Kress (MSANK Solicitor)

AARON M. KRESS
Attorney-at-Law
333 Freeport Street, Suite 202
New Kensington, PA 15068
email: amkesq@comcast.net

RECEIVED
EPA REGION III
DEC 19 2013

724-334-7711
Fax 724-334-7288

December 9, 2013

Mr. Joseph Ditty
Pretreatment Coordinator
Municipal Sanitary Authority of the
City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: Pretreatment Program - 2012 Annual Report
NPDES No. PA002711

Dear Mr. Ditty:

I have read the EPA review letter of the 2012 Annual Pretreatment Report as requested. In the Report, Stephen G. Copeland of the EPA indicated at Measure No. 16 that the Municipal Sanitary Authority of the City of New Kensington (hereinafter called MSANK) must arrange for adoption by the contributing municipalities of the 2013 local limits ASAP, which were adopted by the Municipal Authority on 4/15/13, or provide the EPA with a new Solicitor's Statement which authorizes automatic adoption of substantial program changes in the entire service area due to coverage under the Pennsylvania Municipal Authorities Act. Please consider this to be a Solicitor's Statement to that effect.

The Authorities Act provides, among other things, that municipality authorities "may exercise all powers necessary or convenient for the carrying out of the purposes set forth in this section, including, but without limiting the generality of the foregoing, the following rights and powers:

(2) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(17) To all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this chapter or other law, including, but not limited to, the adoption of reasonable rules and regulations that apply to water and sewer lines located on a property owned or leased by a customer and to refer for prosecution as a summary offense any violation dealing with rules and regulations relating to water and sewer lines located on a property owned or leased by a customer." 53 Pa.C.S. §5607(d)

In simple terms, municipality authorities are empowered by state law to enact rules and regulations regarding all of their facilities, including those located on private property, and to enforce those rules by resort to the courts. Importantly, paragraph (17), cited above (adopted in 2001 with several other amendments), provides for authorities to create criminal penalties for violations, a power previously granted only to legislative municipalities such as boroughs, cities, and townships.

While municipality authorities can and often do operate in cooperation with local governments under local ordinances, in which the powers for administration—and sometimes enforcement—of an ordinance-created pretreatment program are delegated by the municipality to the authority, this is not the only means of obtaining authority to create, implement, administer and enforce a pretreatment program. A program created by a municipality authority and codified in its rules and regulations is enforceable as an authorized activity under the Authorities Act.

Additionally, municipality authorities have no jurisdictional limitations (except if explicitly provided in their charters) and can assert their authority anywhere within the Commonwealth. Thus, they differ from legislative municipalities in not having fixed jurisdictional boundaries. All users of an authority's sewer system are within the jurisdiction of the municipality authority.

In the case of MSANK, the Authority has properly adopted extensive Rules and Regulations for the control of industrial discharges. These rules and regulations are explicitly authorized by, and therefore enforceable against any user of the Authority's sewer system under the powers granted by, the Authorities Act.

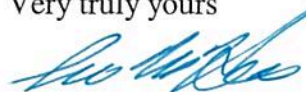
In addition to the Authorities Act, the Publicly Owned Treatment Works Penalty Law (35 P.S. §752.1 et seq., usually referred to as Act of 1992) provides for the imposition of civil penalties for violation of pretreatment standards or requirements by any POTW with an EPA-approved pretreatment program. (§752.4.) The term "pretreatment standards or requirements" is defined as including "any rule or regulation . . . adopted by . . . a POTW for the implementation or enforcement of an industrial waste pretreatment program" The term "POTW" is defined as including municipality authorities, which are specifically referred to as having "jurisdiction over indirect discharges to and discharges from this type of treatment works," the same phrase used in the Clean Water Act definition of POTW. (§752.3.) Hence, Act 9 confirms that municipality authorities are empowered to adopt rules and regulations, and that they have jurisdiction over their indirect dischargers to enforce those rules.

MSANK has adopted comprehensive rules and regulations regarding its pretreatment program, and as discussed above two state statutes provide that these rules and regulations can be adopted and that they can be enforced by imposition of administrative, civil, and criminal penalties, as well as through common law means (e.g., civil actions at law and in equity in assumpsit, trespass, or nuisance). The Authority's Rules and Regulations appear to include all of the provisions enumerated at 40 CFR §403.8(f)(1), such as the authority to deny or condition the contribution of pollutants, require compliance with pretreatment standards and requirements, issue permits, require IUs to develop compliance schedules, carry out inspections and monitoring, and obtain various remedies for noncompliance with all of the above, including administrative penalties, civil and criminal judicial penalties, and judicial equitable relief, all of which remedies are authorized by state law.

Under the rights, privileges and powers conferred by state law, MSANK is legally able to implement, administer, and enforce its pretreatment program under its Rules and Regulations, which are enforceable in state courts. It is not necessary for other local governments to adopt ordinances in order for the Authority to comply with 40 CFR §403.8(f), and it is not a violation of the Authority's NPDES permit that certain local governments have not done so.

With the above in mind, it is my opinion that all of the administration and enforcement requirements in the applicable federal regulations, state statutes and MSANK's NPDES permit are met by the provisions of its pretreatment program, which authorize automatic adoption of substantial program changes in the entire service area due to coverage under the Pennsylvania Municipal Authorities Act.

Very truly yours



Aaron M. Kress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ms. Linda French
Project Scientist
Hatch Mott MacDonald
Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031

JAN 31 2013

Re: New Kensington Pretreatment Program – Acceptance of Local Limits
NPDES No. PA0027111

Dear Ms. French:

Based on the January 14, 2013 letter, EPA is accepting the proposed local limits for the Municipal Sanitary Authority of the City of New Kensington. I am enclosing a listing of the influent, effluent and sludge goals which are based on these limits.

The Municipal Authority now needs to formally adopt these limits. This will be considered a substantial program modification, and the Environmental Protection Agency-Region 3 (EPA) will need to Public Notice this as soon as the Authority adopts these limits and submits proof of adoption to EPA. If the Authority has received acknowledgement from EPA that it is properly covered by the PA Municipal Authorities Act and has submitted an acceptable Solicitor's Statement to this affect, then the New Kensington can implement and enforce these limits everywhere in the service area once EPA approves this change. If this process has not been completed, then New Kensington will need to gain adoption of these limits from each contributing municipality in the service area. Please deal with Liz Ottinger on this issue.

If there are questions or comments, feel free to contact me at (215) 814-5792, or by e-mail at copeland.stephen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Copeland".

Stephen G. Copeland
NPDES Permits and Enforcement (3WP41)
Water Protection Division

Enclosure

cc: Joseph Ditty, Municipal Sanitary Authority of New Kensington (with enclosure)
Sam Harper, PADEP Southwest Region (w/o enclosure)
Ron Furlan, PADEP-Central Office (w/o enclosure)



Hatch Mott
MacDonald

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031
T 412.497.2900 www.hatchmott.com

RECEIVED
EPA REGION III

APR 29 2013

NPDES PERMITS DIVISION
15175

April 26, 2013

Ms. Liz Ottinger
Office of Municipal Assistance (3WP24)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Municipal Sanitary Authority of the City of New Kensington
Headworks Analysis for Local Limits Reevaluation
Adoption of Resolution 01-13
HMM Project 319221

Dear Ms. Ottinger:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), this submission is intended to advise you that MSANK adopted Resolution 01-13 at their Board meeting on April 15, 2013. This resolution modified the MSANK rules and regulations to include revised local limits developed as part of the Headworks Analysis for Local Limits Reevaluation. The solicitor for MSANK forwarded notification letters dated April 26, 2013, to each of the four contributing municipalities advising that MSANK adopted the resolution to modify their rules and regulations. An executed copy of the resolution and copies of the notification letters are enclosed.

If you have any questions, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T 412.497.2912 F 412.497.2901
Linda.French@hatchmott.com

LF/rw

Enclosures

cc: Joseph Ditty (MSANK)
Daniel H. Rowe, Jr. (MSANK)
Stephen Polen, P.E. (HMM)

APR 28 1992

NPDES

MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON
WESTMORELAND COUNTY, PENNSYLVANIA

RESOLUTION NO. 01-13

A RESOLUTION PROVIDING FOR MODIFICATIONS TO THE MUNICIPAL SANITARY AUTHORITY OF THE CITY OF NEW KENSINGTON RULES AND REGULATIONS GOVERNING SEWAGE SERVICES TO INCLUDE LOCAL LIMITATIONS DEVELOPED PURSUANT TO THE INDUSTRIAL PRETREATMENT PROGRAM.

WHEREAS, the Municipal Sanitary Authority of the City of New Kensington desires to implement the provisions of the Federal Water Pollution Control Act (33 United States Code 1251 et seq.), the Environmental Protection Agency General Pretreatment Regulations (40 Code of Federal Regulations, Part 403), and the Publicly Owned Treatment Works Penalty Law (Act No. 9 of 1992, 35 P.S. Section 752.1 et seq., effective April 26, 1992).

NOW, THEREFORE, BE IT RESOLVED by the Board of the Municipal Sanitary Authority of the City of New Kensington, Westmoreland County, Pennsylvania and it is hereby resolved as follows:

Purpose and Policy

This Resolution sets forth modifications to the Municipal Sanitary Authority of the City of New Kensington Rules and Regulations Governing Sewage Services to include Local Limitations developed pursuant to the Industrial Pretreatment Program for regulating Direct and Indirect contributors into the wastewater collection and treatment systems of the Municipal Sanitary Authority of the City of New Kensington (MSANK).

Modifications

Modification No. 1: This Resolution modifies Section 3.10 (n) of MSANK's existing Rules and Regulations Governing Sewage Services to replace existing wastewater Maximum Permissible Concentrations with Local Limitations developed pursuant to the MSANK Industrial Pretreatment Program.

Section 3.10 (n) shall be modified to read as follows:

"Wastes containing any of the following substances in solution in concentrations exceeding those shown in the following table:

Summary Table of Wastewater Discharge
Maximum Permissible Concentrations⁽¹⁾

<u>Parameter</u>	<u>Surcharge</u> <u>Limit⁽²⁾</u>	<u>Local (Fine)</u> <u>Limit⁽³⁾⁽⁴⁾</u>
Oil and Grease	100 mg/l	500 mg/l
Carbonaceous Biochemical Oxygen Demand (CBOD-5)	300 mg/l	729 mg/l
Total Suspended Solids	275 mg/l	771 mg/l
Ammonia	20.0 mg/l	-
Phosphorus	10.0 mg/l	-
pH ⁽⁵⁾⁽⁶⁾⁽⁷⁾		6.0-11.5 s.u.
Temperature (Fahrenheit)		150 degrees
Total Cyanide		0.12 mg/l
Copper		0.69 mg/l
Lead		0.17 mg/l
Zinc		1.99 mg/l
Chromium		12.2 mg/l
Nickel		0.22 mg/l
Cadmium		0.11 mg/l
Mercury		0.016 mg/l
Arsenic		0.11 mg/l
Silver		0.56 mg/l
Selenium		1.36 mg/l

(1) Maximum Permissible Concentrations developed pursuant to the Industrial Pretreatment Program, based on the Headworks Analysis for Local Limits Reevaluation report submitted to the U.S. Environmental Protection Agency on October 4, 2012, as approved by the U.S. Environmental Protection Agency on January 31, 2013.

(2) A surcharge will be assessed any time the parameter exceeds the surcharge limit.

(3) A fine may be assessed any time the parameter exceeds the fine limit.

(4) Local Limits calculated using Uniform Concentration Limit methodology incorporating Exceptional Quality sludge criteria.

(5) Any waters or wastes having a pH lower than 6.0 or higher than 11.5 standard units, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works. The Authority may require installation and maintenance, where necessary, of suitable equipment to continuously measure and record the pH of wastes discharged.

(6) The pH limitations shall continue to include a Short Term Exceedance Exemption for Effluent Limitations under Continuous Monitoring in accordance with Section 3.10 (c)(1).

3.10 (c)(1) shall continue to read:

Short-Term Exceedance Exemption for Effluent Limitations under Continuous Monitoring

a) Where a permittee continuously measures the pH of its wastewater discharge, pursuant to a requirement in a pretreatment permit, the permittee shall maintain the pH of such wastewater within the range set forth in the applicable pretreatment permit, except excursions from the range are permitted subject to the following limitations:

1) The total time during which the pH values are outside of the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month, and

2) No individual excursion from the range of pH values shall exceed 60 minutes.

b) This short-term exceedance exemption does not allow for any discharges below pH 5.0 S.U. for any period of time, since this is a national prohibition on pH discharges.

c) This short-term exceedance exemption does not allow for any discharges equal to, or above pH 12.5 S.U. for any period of time.

d) For purposes of this section, an excursion is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the applicable pretreatment permit.

(7) Section 3.10(c) shall continue to increase the maximum allowable pH concentration from 10.5 standard units to 11.5 standard units.

This Resolution shall be in full force and effect immediately after its passage and approval by the Municipal Sanitary Authority of the City of New Kensington.

ADOPTED as a Resolution this 15th day of April, 2013.

MUNICIPAL SANITARY AUTHORITY
OF THE
CITY OF NEW KENSINGTON


CHAIRMAN

ATTEST


Asst. SECRETARY

AARON M. KRESS
Attorney-at-Law
333 Freeport Street, Suite 202
New Kensington, PA 15068
email: amkesq@comcast.net

724-334-7711
Fax 724-334-7288

April 26, 2013

Thomas D. Guzzo, Mayor
City of New Kensington
301 Eleventh Street
New Kensington, PA 15068

**Re: Municipal Sanitary Authority of the City of New Kensington
Modification of Rules and Regulations Governing Sewage Services
Industrial Pretreatment Program
Resolution No. 01-13**

Dear Mr. Guzzo:

This letter is intended to notify the City of New Kensington that the Municipal Sanitary Authority of the City of New Kensington (MSANK) adopted Resolution No. 01-13 at their meeting on April 15, 2013. This resolution modifies the MSANK Rules and Regulations Governing Sewage Service to include revised local limitations developed pursuant to the industrial pretreatment program, as required by the U.S. Environmental Protection Agency. A copy of the resolution is attached for reference.

Notification of this change to the MSANK Rules and Regulations is being provided to all municipalities served by the MSANK wastewater collection and treatment system. Following approval by the U.S. Environmental Protection Agency, the revised local limitations will become enforceable limitations in the industrial user permits to be issued by the Municipal Sanitary Authority of the City of New Kensington for Year 2013.

Sincerely,



Aaron M. Kress, Solicitor
Municipal Sanitary Authority of the
City of New Kensington

AMK:jm

Enclosure

AARON M. KRESS
Attorney-at-Law
333 Freeport Street, Suite 202
New Kensington, PA 15068
email: amkesq@comcast.net

724-334-7711
Fax 724-334-7288

April 26, 2013

Larry M. Milito, Mayor
City of Arnold
1829 Fifth Avenue
Arnold, PA 15068

**Re: Municipal Sanitary Authority of the City of New Kensington
Modification of Rules and Regulations Governing Sewage Services
Industrial Pretreatment Program
Resolution No. 01-13**

Dear Mr. Milito:

This letter is intended to notify the City of Arnold that the Municipal Sanitary Authority of the City of New Kensington (MSANK) adopted Resolution No. 01-13 at their meeting on April 15, 2013. This resolution modifies the MSANK Rules and Regulations Governing Sewage Service to include revised local limitations developed pursuant to the industrial pretreatment program, as required by the U.S. Environmental Protection Agency. A copy of the resolution is attached for reference.

Notification of this change to the MSANK Rules and Regulations is being provided to all municipalities served by the MSANK wastewater collection and treatment system. Following approval by the U.S. Environmental Protection Agency, the revised local limitations will become enforceable limitations in the industrial user permits to be issued by the Municipal Sanitary Authority of the City of New Kensington for Year 2013.

Sincerely,



Aaron M. Kress, Solicitor
Municipal Sanitary Authority of the
City of New Kensington

AMK:jm

Enclosure

AARON M. KRESS
Attorney-at-Law
333 Freeport Street, Suite 202
New Kensington, PA 15068
email: amkesq@comcast.net

724-334-7711
Fax 724-334-7288

April 26, 2013

Donald Kinosz, Mayor
City of Lower Burrell
2800 Bethel Street
Lower Burrell, PA 15068

**Re: Municipal Sanitary Authority of the City of New Kensington
Modification of Rules and Regulations Governing Sewage Services
Industrial Pretreatment Program
Resolution No. 01-13**

Dear Mr. Kinosz:

This letter is intended to notify the City of Lower Burrell that the Municipal Sanitary Authority of the City of New Kensington (MSANK) adopted Resolution No. 01-13 at their meeting on April 15, 2013. This resolution modifies the MSANK Rules and Regulations Governing Sewage Service to include revised local limitations developed pursuant to the industrial pretreatment program, as required by the U.S. Environmental Protection Agency. A copy of the resolution is attached for reference.

Notification of this change to the MSANK Rules and Regulations is being provided to all municipalities served by the MSANK wastewater collection and treatment system. Following approval by the U.S. Environmental Protection Agency, the revised local limitations will become enforceable limitations in the industrial user permits to be issued by the Municipal Sanitary Authority of the City of New Kensington for Year 2013.

Sincerely,



Aaron M. Kress, Solicitor
Municipal Sanitary Authority of the
City of New Kensington

AMK:jm

Enclosure

AARON M. KRESS
Attorney-at-Law
333 Freeport Street, Suite 202
New Kensington, PA 15068
email: amkesq@comcast.net

724-334-7711
Fax 724-334-7288

April 26, 2013

Richard Hrivnak, Mayor
Borough of Plum
4575 New Texas Road
Pittsburgh, PA 15239

**Re: Municipal Sanitary Authority of the City of New Kensington
Modification of Rules and Regulations Governing Sewage Services
Industrial Pretreatment Program
Resolution No. 01-13**

Dear Mr. Hrivnak:

This letter is intended to notify the Borough of Plum that the Municipal Sanitary Authority of the City of New Kensington (MSANK) adopted Resolution No. 01-13 at their meeting on April 15, 2013. This resolution modifies the MSANK Rules and Regulations Governing Sewage Service to include revised local limitations developed pursuant to the industrial pretreatment program, as required by the U.S. Environmental Protection Agency. A copy of the resolution is attached for reference.

Notification of this change to the MSANK Rules and Regulations is being provided to all municipalities served by the MSANK wastewater collection and treatment system. Following approval by the U.S. Environmental Protection Agency, the revised local limitations will become enforceable limitations in the industrial user permits to be issued by the Municipal Sanitary Authority of the City of New Kensington for Year 2013.

Sincerely,



Aaron M. Kress, Solicitor
Municipal Sanitary Authority of the
City of New Kensington

AMK:jm

Enclosure



Hatch Mott
MacDonald

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031
T 412.497.2900 www.hatchmott.com

January 14, 2013

RECEIVED
EPA REGION III

JAN 23 2013

NPDES PERMITS BRANCH
(3WP41)

Mr. Stephen Copeland
Office of Municipal Assistance (3WP24)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Municipal Sanitary Authority of the City of New Kensington
Headworks Analysis for Local Limits Reevaluation
Response to Review Letter
HMM Project 319221

Dear Mr. Copeland:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), this letter responds to your letter, dated December 12, 2012, that provided review comments on the Headworks Analysis that was submitted to the U.S. Environmental Protection Agency on October 4, 2012.

Your letter indicated that during your review you adjusted some criteria used to calculate the local limits. Adjusting the criteria resulted in slightly more stringent limits for Nickel, Zinc and Selenium than those calculated under the October 4, 2012 submission.

With respect to determining the sources of the high levels of Nickel, Zinc and Total Suspended Solids (TSS) in the treatment plant influent, MSANK has had numerous discussions with representatives of an electroplating facility that is a categorical significant industrial user regulated under the MSANK industrial pretreatment program. MSANK has advised them that the updated Nickel and Zinc limits, as reflected in the October 4, 2012 submission, are significantly lower than the limits calculated under the Headworks Analysis conducted in 2005. With respect to the TSS levels, it is also noted that the treatment plant effluent has consistently been in compliance with the NPDES permit throughout 2012.

Also please note that there are ordinances in place with each of the four municipalities that contribute wastewater to the MSANK treatment plant that provide the legal authority for enforcement of the local limits. These ordinances were enacted in the early 1990's when the pretreatment program was originally developed.

At this time, MSANK requests approval of the local limits submitted for approval in the October 4, 2012 submission, as follows.



Parameter	Units	Limits Requested For Approval	Governing Criteria in the Calculation	
Arsenic	mg/l	0.11	Sludge	✓
Cadmium	mg/l	0.11	Sludge	✓
Total Chromium	mg/l	12.20	Inhibition	✓
Copper	mg/l	0.69	Sludge	✓
Total Cyanide	mg/l	0.12	Inhibition	✓
Lead	mg/l	0.17	Sludge	✓
Mercury	mg/l	0.016	Sludge	✓
Nickel	mg/l	0.22	Sludge	✓
Selenium	mg/l	1.36	Sludge	OK
Silver	mg/l	0.56	Water Quality	✓
Zinc	mg/l	1.99	Sludge	OK
Total Suspended Solids	mg/l	771	Design	✓
CBOD5	mg/l	729	Design	✓
pH	s.u.	6.0-10.5	N/A	
Temperature	Deg. F	150	N/A	
Oil and Grease	mg/l	500	N/A	OK

Thank you for your consideration of this submission. If you have any questions, please contact me.

Very Truly Yours,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T 412.497.2912 F 412.497.2901
Linda.French@hatchmott.com

LF/rw

cc: Joseph Ditty (MSANK)
Daniel H. Rowe, Jr. (MSANK)
Stephen Polen, P.E. (HMM)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ms. Linda French
Project Scientist
Hatch Mott MacDonald
Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031

DEC 12 2012

Re: New Kensington Pretreatment Program
NPDES No. PA0027111

Dear Ms. French:

I have reviewed the October 4, 2012 submittal of the Headworks Analysis for the New Kensington local limits reevaluation. Liz Ottinger is your main contact at the U. S. Environmental Protection Agency-Region 3 (EPA); however Liz has been extremely busy with stormwater duties, so I reviewed this package.

I have the following comments (see the enclosed XL Spreadsheets).

After reviewing the monitoring data, I used several different Removal Rates, as follows:-

Pollutant	EPA Value (basis) (%)	POTW Value (basis) (%)
Mo	50.00 (literature default act. sludge)	17.00 (infl./effl.)
Ni	80.64 (infl./sludge) ¹	67.86 (infl./sludge)
Se	50.00 (literature default act. sludge)	3.17 (infl./effl.)
Ag	58.43 (infl./sludge)	0.00 (infl./effl.)
Zn	61.96 (infl./effl.)	45.90 (infl./sludge)

Because of these changes, the following MAHLs were calculated (see Table 17):-

Pollutant	EPA MAHL (lbs/day) - Basis	POTW MAHL (lbs/day) - Basis
Mo	0.3300 - Sludge	0.9707 - Sludge
Ni	1.1459 - Sludge	1.3616 - Sludge
Se	0.4400 - Sludge	6.9348 - Sludge
Ag	6.8659 - Inhibition	6.3842 - WQ
Zn	9.9425 - Sludge	13.4194 - Sludge

¹ EPA tweaked some of the nickel influent data which became outlying values.

As a result, the calculated local limits are as follows (see Table 18):-

Pollutant	EPA (mg/L)	POTW (mg/L)
Mo	0.0444	0.1755
Ni	0.1872	0.2198
Se	0.0346	1.3635
Ag	1.4026	1.3040
Zn	1.2797	1.9911

Table 19 – Comparison of Existing and Calculated Local Limits: There were no entries under **Proposed Local Limits**. If the calculated limit is more stringent than the existing local limit, then the calculated limit should be proposed (**bolded pollutants**).

Pollutant	Calculated Limit	Existing Limit	Proposed Limit
Arsenic	0.34	0.11	0.11
Cadmium	0.11	0.2	0.11
Chromium	12.2	13.1	12.2
Copper	0.69	1.4	0.69
Cyanide	0.12	0.17	0.12
Lead	0.17	2.31	0.17
Mercury	0.016	0.019	0.016
Molybdenum	0.04	None	0.04
Nickel	0.19	0.72	0.19
Selenium	0.03	14.1	0.03
Silver	1.40	0.56	0.56
Zinc	1.28	2.77	1.28
Ammonia	None	None	N/A
BOD	1339	729	729
TSS	1397	771	771
Oil/Grease	None	500	500

Table 20 – Comparison of Allowable Headworks Loadings and Influent Loadings – Normally, if the Average Influent Loading for a pollutant is 60% or more of the MAHL, and/or the Maximum Influent Loading are 80% or more of the MAHL, then there may be a problem with the MAHLs or the actual influent monitoring data. If all of the data is accurate, then the POTW may be overloaded. **The Authority needs to determine the cause(s) of these high influent values.** This is the case for the following pollutants:

Pollutant	Average Percent Loaded	Maximum Percent Loaded
Copper		111.4244
Lead		90.4540
Nickel	162.5902	327.5781
Zinc	120.9043	262.6964
BOD		90.8525
TSS	64.0006	107.1623

Table 22 – Comparison of Influent, Effluent, and Sludge Goals to Monitoring Data – This Table looks at comparing the influent, effluent, and sludge goals that are based on the calculated local limits, and the actual monitoring data. Where there are significant exceedances, the data are noted with various symbols, like !!!!! (see the terms at the bottom of this chart). The following data were highlighted:-

Pollutant	Influent Evaluation	Sludge Evaluation
Nickel	16 out of 25	22 out of 28
Zinc	17 out of 27	16 out of 24

Please review this information. When you have had a chance to review this, please contact me at (215) 814-5792 so that we can finalize the local limits.

Sincerely,



Stephen G. Copeland
NPDES Permits and Enforcement (3WP41)
Water Protection Division

cc: Joseph Ditty, Municipal Sanitary Authority of New Kensington
Sam Harper, PADEP Southwest Region
Ron Furlan, PADEP-Central Office

